



October 29, 2010

Manucher Alemi
California Department of Water Resources
Water Use Efficiency Branch
SBX7-7 Program
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Dear Mr. Alemi:

Thank you for the opportunity to comment on the Discussion Paper: Draft Range of Options for Agricultural Water Measurement. This is a critical part of SBX7-7 and will play a significant role in determining how, or even if, an agricultural water supplier will be able to comply with the law.

Compliance

SBX7-7 states that the department shall adopt regulations that provide for a range of options that agricultural water suppliers may use or implement to comply with the law's measurement requirements. The legislature provided specific language providing for a range of options, which gives the department and water suppliers flexibility in meeting the measurement requirement. This flexibility should include an implementation schedule that reasonably accommodates the individual water supplier's ability to comply.

Each agricultural water supplier is different, and meeting the requirement of the law will be significantly easier for some than it will be for others. Consider the fact that agricultural water suppliers were formed in California over a period of 80 or more years. Those that formed toward the latter end of the timeline, in the 1960's for instance, are in a much better position to meet the requirements of the law than a water supplier formed toward the end of the 19th Century. SBX7-7 must consider the natural progression of technological development and implementation in its final measurement rule. Simply put, an agricultural water supplier must be given adequate time to upgrade its ability to meet the requirements of the law.

What constitutes a measurement range of options?

The Discussion Paper addresses this issue by defining two primary purposes for water measurement requirements: 1) devices, and 2) accuracy standards.

It is not in the interest of effective water management and measurement, nor consistent with the intent of the legislative intent to issue a list of approved devices to be used for measurement. Not only does the mandating use of particular devices restrain the flexibility of water suppliers in daily system management, as technology changes devices will improve and new devices will be introduced into the market, making any initial list quickly obsolete. Tethering water suppliers to specific technologies hampers not only the implementation of circumstance-appropriate methodologies, but also compromises marketplace mechanisms that can lead to the development of more effective technologies and techniques of measurement.

The discussion paper notes that bill language does not address specific procedures for implementation of measurement, but instead directs the Department to provide districts with a range of options that assure sufficient accuracy to comply with 531.10(a)

By developing accuracy standards and goals that water suppliers must meet on a realistic timeline the Department ensures that those with the most comprehensive understanding of daily system operations in the field, the water suppliers can best determine how to manage their infrastructure and operations to meet the requirements of the law.

Water suppliers that receive water through a CVP contract with the U. S. Bureau of Reclamation should not be required to meet an additional standard of measurement beyond what is required by Reclamation. SBX7-7 allows Reclamation water conservation plans to meet the water management plan requirements of the law. Application of measurement standards should be handled the same.

Where Can Measurement Occur?

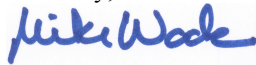
This discussion paper recognizes that a wide variety of considerations exist that affect how water is provided to agricultural users. Factors such as geographic, infrastructural, climatic, and legal exist that demand accommodation be made to allow for water suppliers to overcome the many potential implementation obstacles in order to meet the legislative mandate.

Water delivered to customers can occur in a variety of ways. An agricultural water supplier may deliver water directly to its customers through farm gate turnouts from district-owned lateral canals. The water supplier may also deliver water to a community-owned lateral ditch or pipeline that distributes water to individual customers. The measurement regulation must accommodate the variability in delivery systems to prevent an undue burden on the water suppliers or customers, while still achieving a documentable outcome that meets the law.

As the process to define the SBX7-7 measurement requirements develop, the Agricultural Water Management Council will continue to provide feedback to the Department on the practical aspects of implementing measurement activities at the water supplier level.

Thank you again for the opportunity to comment.

Sincerely,



Mike Wade
Executive Director